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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,173	01/30/2002	Clinton S. Hartmann	RFSC-0005	2725

27964 7590 06/23/2004

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EXAMINER

ODLAND, DAVID E

ART UNIT PAPER NUMBER

2662

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/066,173

Applicant(s)

HARTMANN, CLINTON S.

Examiner

David Odland

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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Continuation of 2a: The applicant has amended claim 1 by adding a "...system for producing a...", "...means for encoding..." and now recites only an "element" of data being encoded. The After Final amendment will not be entered because it raises new issues that would require further search and/or consideration.

Continuation of 5c: On page 7, the Applicant argues that in Ueno each word of a frame is represented by a corresponding single pulse using a single time slot which is different from the present invention, which requires the use of multiple pulses for encoding a single word or "element of data". The Examiner respectfully disagrees. Firstly, encoding a single element of data is a newly added limitation of the claim. Second, the frames themselves in Ueno can be considered as "elements" that each contain multiple words wherein each word is encoded using a single pulse. Therefore, this limitation of the claim is still met with the Ueno reference since Ueno discloses a single element (i.e. a frame) is encoded using multiple pulses (i.e. one pulse for each word of a single frame). More specifically, Ueno discloses dividing up data to be transmitted within frames, wherein each frame comprises multiple words and wherein each word is represented by a corresponding pulse and each pulse takes up one particular time slot (see figure 1). Therefore, multiple pulses (i.e. one pulse for each word of the frame) are distributed among a group of time slots (i.e. one frame comprises the time slots of multiple words and the multiple pulses are distributed among these multiple time slots of the frame as a whole), within a time period (each frame exists for a particular time period, so if there are three words in a frame and 8 time slots are used for each word, then the frame comprises a total of 24 time slots and will have a total three data pulses, each corresponding to a particular one of the three words of the

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frame), as recited in the claims. In light of the above discussion, Ueno anticipates the claimed invention.

On page 9 and 10 regarding the 35 USC 103 rejections of claims 4 and 14, the Applicant argues that since Ueno does not disclose the limitations of the parent claims 1 and 11, Ueno therefore does not anticipate claims 4 and 14. However, since Ueno does anticipate claims 1 and 11, as discussed above, the rejections to claims 4 and 14 are also proper. Furthermore, the Applicant argues that Austin does not teach distributing multiple pulses within a group of time slots. However, as shown in the above discussion, this limitation is met by the Ueno reference.